

MEMO ENDORSED

June 13, 2024

Via ECF

Hon. Jessica G.L. Clarke
U.S. District Court, Southern District of New York
500 Pearl Street
New York, New York 10007

Dated: June 20, 2024
New York, New York

SO ORDERED.

Jessica Clarke

JESSICA G. L. CLARKE
United States District Judge

Re: *Michael Stewart v. Nina Arias LLC*
Docket No: 1:24-cv-02052-JGLC

Dear Judge Clarke:

We represent Plaintiff Michael Stewart in this matter. Pursuant to Section 2(e) of Your Honor's Individual Rules and Practices, Plaintiff respectfully requests a continuance, *sine die*, of the initial pretrial conference currently scheduled for June 21, 2024 at 12:00 p.m. and related deadlines (ECF No. 7), and the mediation referral order (ECF No. 8).

Plaintiff makes this request as the Defendant Nina Arias LLC ("*Defendant*") has failed to appear or answer the complaint, and is therefore in default. While Plaintiff was initially contacted by counsel who executed a waiver of service on Defendant's behalf, that counsel has advised that they have not been retained in connection with this matter. According to the service waiver, Defendant's time to answer expired on June 10, 2024 (ECF No. 9). Plaintiff sent notice to Defendant, through prior counsel, regarding the answer deadline and upcoming initial pretrial conference, however, Defendant has yet to appear. Therefore, Plaintiff respectfully requests some additional time to determine whether Defendant intends to file an appearance or response to the complaint. If no appearance is filed within thirty (30) days, Plaintiff intends to proceed with a request for entry of the Clerk's default followed by a motion for default judgment. Pursuant to the Individual Rules & Practices Section 2(e):

- (1) the original date of the initial pretrial conference is June 21, 2024;
- (2) no previous requests for adjournment of the initial pretrial conference or mediation referral have been made;
- (3) No other dates will be impacted by this request as Defendant is currently in default of answering or appearing. Further, as Defendant is in default, Plaintiff is unable to advise whether Defendant consents to this request.

We thank the Court for its time and consideration of this matter.

Respectfully submitted,
/s/ Renee J. Aragona
Renee J. Aragona